

1 **AMERICAN ARBITRATION ASSOCIATION**

2
3 **COLD STONE CREAMERY, INC.,**

4 Claimant,

5 and

6 **FRANCO TREGLIA,**

7 Respondent.

CASE NO. 76 114 00302 09 LGB

ARBITRATION AWARD

(Assigned to Richard N. Goldsmith,
Arbitrator)

8 I am the arbitrator in this matter, having been selected pursuant to Section 30 of the
9 three Franchise Agreements dated March 23, 2005 (Store No. 1059), January 28, 2004 (Store
10 No. 1328), and March 13, 2004 (Store No. 1414), each of which was personally guaranteed
11 by Respondent, and the Amended Claim in this matter filed with the American Arbitration
12 Association.

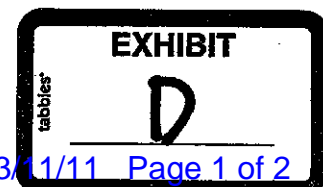
13 I held the hearing on September 24, 2010. Respondent was given notice and
14 opportunity to attend that hearing, but failed to do so. Testifying at the hearing was Alex
15 Neville, a representative of Cold Stone. Also in attendance and presenting arguments were
16 counsel for Cold Stone, David Rauch and Michael Coccoaro. In addition to the testimony at
17 the hearing, Cold Stone has submitted additional evidence regarding the amounts owed, a
18 brief regarding jurisdiction and a Motion for Award of Attorney's Fees and Costs with
19 accompanying affidavit.

20 Having listened to the testimony of the witness and having reviewed the evidence and
21 briefs submitted, I find, conclude and award as follows:

22 1. I find that Respondent was given adequate notice of the hearing and that I have
23 jurisdiction over the Respondent and am able to issue this Award.

24 2. I award Claimant the principle amount of \$1,000,000 with interest on that
25 amount at the rate of 18% per annum from September 24, 2010, until paid.
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3. I find that Claimant is entitled to attorney's fees in the amount of \$7,897.07, with interest on that amount at the rate of 10% per annum from the date of this Award until paid.

4. The arbitration fees of the American Arbitration Association in the amount of \$8,500, and my compensation in the amount of \$1,680, are to be paid by Respondent, so I find that Claimant is entitled to costs in the amount of \$10,180 with interest on that amount at the rate of 10% per annum from date of this Award until paid.

This Award is in full settlement of all claims submitted in this arbitration. All claims not expressly granted in this Award are denied.

DATED THIS 15th day of November, 2010.

Richard N. Goldsmith
Richard N. Goldsmith, Arbitrator